

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOHNSON ELECTRIC NORTH
AMERICA, INC.,

Plaintiff,

Case No. 3:19-cv-146

vs.

HONEYWELL INTERNATIONAL,
INC.,

District Judge Michael J. Newman

Defendant.

ORDER CONFIRMING THE COURT’S PRIOR DECISION AND ENTRY (Doc. No. 71)

A bench trial is set to begin in this civil case on November 6, 2023. During the final pretrial conference on October 18, 2023, Defendant’s counsel asked the Court to review and clarify a prior Decision and Entry (Doc. No. 71), which addressed Defendant’s objection in part (Doc. No. 61) to a Report and Recommendation (Doc. No. 60). Two issues need clarification: (1) whether the Decision and Entry dismissed Plaintiff’s fraudulent inducement claim; and (2) whether the Court made the final determination that the parties’ “Draft Agreement” constituted a binding and enforceable contract modification. Upon review of the above-cited documents, and the Court’s previous Order (Doc. No. 35), the Court **CONFIRMS** that (1) Plaintiff’s fraudulent inducement claim (Count II of Plaintiff’s second amended complaint) has been **DISMISSED WITH PREJUDICE**, *see* Doc. No. 71 at PageID 1120; and, (2) no holding or final determination has been made regarding whether the parties’ “Draft Agreement” constituted a binding and enforceable contract modification, *see id.* at 1119-20.

IT IS SO ORDERED.

October 19, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge